



Planning & Economic Development Department
100 Hughes Road
Madison, Alabama 35758

Zoning Board of Adjustments & Appeals Staff Report

Date: April 7, 2022

Case No: Variance 2022-003

Applicant: Mary E. Joffrion

Property

Owner: Floyd J. and Mary E. Joffrion

Location: 1724 Slaughter Road (Southwest corner of Yancy Road and Slaughter Road)

Request Summary

This is a request for a Variance to Section 5-9.A to allow an accessory structure to be in the front yard and a Variance to Section 5-9.D to increase the proportion of the floor area of the accessory structures on the property to the main structure from 25 percent to 65 percent.



Background Information

The subject property is identified as Lot 1, Block 2, Chickasaw Estates, Plat Book 4, Page 79. The property is a corner lot southwest of the intersection of Slaughter Road and Yancy Drive. It has an

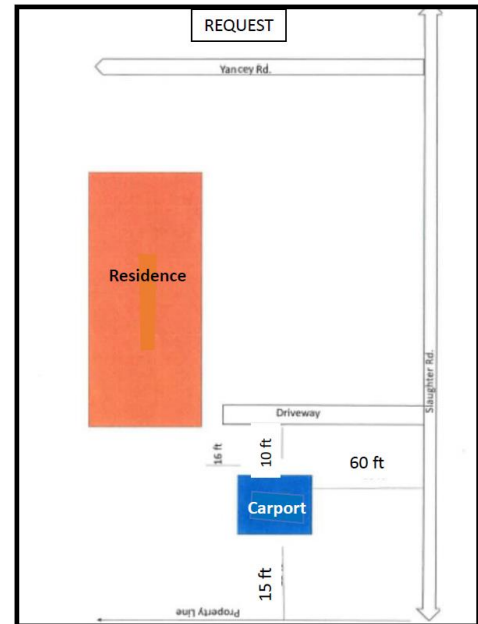
area of 0.83 acres or 36,373 square feet. The property is occupied by a dwelling constructed in 1963 with a total adjusted area of 1,631 square feet based on records from the Madison County Tax Assessor's Office. The dwelling faces Slaughter Road making the front yard between Slaughter Road and the dwelling. The lot is also occupied by two detached structures with an area of 288 square feet each (total of 576 square feet).

A building permit was approved on January 25, 2022 for a carport to be attached to the dwelling. The applicant withdrew the building permit and made application for the Variances listed herein to have a detached carport.

Applicant's Request

The applicant is requesting a Variance to Section 5-9.A to allow the installation of a 400 square foot prefabricated carport in the front yard along the south side yard property line. The reason for the placement is because the applicant plans to renovate the existing two car garage that is attached to the house changing it into a bedroom and laundry room. The regulation in Section 5-9.A states that accessory structures are only allowed in the rear yard.

The applicant is also requesting a Variance to Section 5-9.D to allow the accessory structures' proportion to the main dwelling to be increased from 25 percent to 65 percent. For more information on the applicant's request, please see the Carport Variance Justification letter in the application packet.



ZBA Review Criteria & Staff Analysis

In order for the Zoning Board of Adjustment and Appeals to grant a Variance, the applicant must establish a hardship and demonstrate the request satisfies the additional provisions in Section 10-5-3 of the Zoning Ordinance. Planning staff is also charged with reviewing each request made to the Board and following the same criteria in making a recommendation. Staff has provided suggested findings for each criterion, to be reviewed and accepted, modified, or rejected by the Zoning Board, after public comment and hearing directly from the applicant.

- A. The granting of the Variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

Section 12-2 of the Zoning Ordinance defines the front yard as *A yard extending across the full width of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any project thereof, other than steps.* Concurrently, Section 5-9.A of the Zoning Ordinance states that *accessory uses and structures with a roof impervious to weather shall not be located in any required front or side*

yard. The proposed location would clearly be within this defined front yard. The purpose for this rule is to establish aesthetics and uniformity in where accessory structures may be located. The same reasoning is behind the requirement restricting the size of accessory structures to 25 percent of the floor area of a residence. Therefore, the placement and size of the carport is not in harmony with the general purpose of these two regulations.

B. The granting of the Variance will not permit the establishment of any use not permitted in the district.

Accessory buildings are permitted uses in the R-1A District, in which the property is located.

C. There must be proof of unique circumstances or conditions fully described in the findings and applicable to the land or buildings for which the Variances are sought, such circumstances or conditions being peculiar to such land or buildings and generally having no application to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the Applicants of the reasonable use of such land or building.

The subject property is 0.83 acres, which is double the minimum size required in the R-1A District, thereby providing ample room to locate structures on the property in compliance with City regulations. The property does have some slope but it not severe enough to restrict the placement of the carport in a location allowed by the Zoning Ordinance. There are no natural environmental conditions such as wetlands, jurisdictional streams, or a floodplain that overlay the property. The property was developed with a septic tank and the location of the field lines is unknown currently; however, the residence does have access to sanitary sewer. There are also no circumstances or unique conditions that support an increase in the proportion of the accessory structures to the residence.

D. There must be proof of unnecessary hardship. It is insufficient proof of hardship to show that greater profit would result if the Variances were granted. Furthermore, the hardship complained of cannot be self-created nor can it be established on this basis by one who purchases with or without knowledge of the restrictions. It must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other Variances or non-conformities granted under similar circumstances shall not be considered.

The choice to renovate the existing garage is a self-created hardship by the applicant. The two existing accessory structures already exceed 25 percent of the floor area of the residence at 35.32 percent. The carport would increase that percentage to 64.75. The area of the proposed carport exclusively is 29.43 percent of the residence's floor area. There is no hardship for the increase in the proportion to the residence.

- E. That the proposed Variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighbors.**

The proposed location of the carport will not impair light and air. It would be 15 feet from the south side yard property line, which is compliant with the side yard setback in the R-1A District. The cumulative area of the accessory structures does not have a notable impact on the supply of light and air, the property is nearly an acre, and all structures combined would comply with the 25 percent lot coverage requirement. There is only one developed residential property abutting the subject property along the south property line. There's no evidence the variances will have an impact on public safety.

- F. That the granting of the Variance requested will not confer on the Applicants any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.**

A site inspection and review of the area using aerial photography reveals several large accessory structures on nearby properties. However, there were no instances with accessory structures in the front yard.

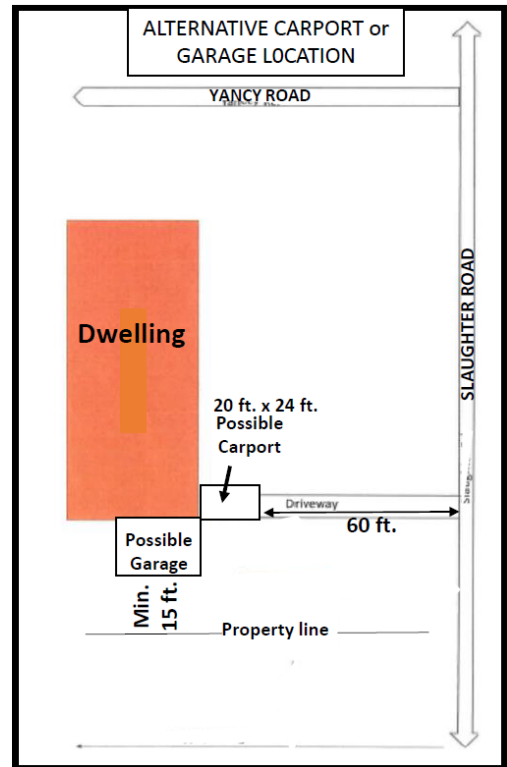
Staff Recommendation

There are other possible locations for the carport. One possibility is the rear yard. The subject property is a corner lot with access along the north property line from Yancy Road. There is an existing drive off of Yancy going directly into the rear yard and the existing fence has a gate in front of that drive. Neither the two existing storage buildings nor the back deck would be impacted if the rear yard were used.



Another option would be to construct a garage attached to the side of the house. On the south side of the house close to the driveway, the house has a side setback of approximately 44 feet, which provides enough room for a 15 foot side setback and up to a 28 foot wide garage. A standard two car garage need only be about 24 feet wide.

Alternatively, the applicant could delay the installation of the carport until the renovations are complete and then attach the carport to the front of the renovated dwelling, covering the existing drive. This would classify the carport as an addition and the 25 percent proportion rule would not apply. The dwelling is approximately 80 feet to the Slaughter Road right-of-way and with the length of the carport added, it would be approximately 60 feet from the right-of-way. This is compliant with the 40-foot front yard setback. A garage could also be placed in this location.



Staff recommends denial of the Variance request from Section 5-9.A to allow an accessory structure to be in the front yard and Section 5-9.D to increase the proportion of the floor area of the accessory structures to the main structure from 25 percent to 65 percent.